

4a. The Court has personal jurisdiction over the Employer in that this action arises from his activities in the State of New York, specifically operating a clothing store.

4b. The Court has subject matter jurisdiction over this matter in that Plaintiff's claims arise from the Fair Labor Standards Act and the remaining claims form part of the same case or controversy.

IV. Background

5. At all times relevant to this complaint, the Employer operated a clothing store in New York. Plaintiff was employed by the Employer for approximately 1 year until his employment ended in or about May of 2017.

6. Plaintiff wages were to be \$11 per hour plus a 4% sales commission.

7. Plaintiff regularly worked in excess of 40 hours per week but was not paid overtime wages. For example, the Employer's own scheduling records indicate that Plaintiff worked 47 hours during the week of August 11, 2017 but was not paid overtime premiums. In reality, Plaintiff regularly worked in excess of his scheduled hours, but either way he was not paid overtime wages to which he was entitled.

8. Further, Plaintiff was not paid his commissions and not given proper notice pursuant to the Wage Theft Prevention Act.

8a. The Employer was the owner of the clothing store where Mr. Pugh was employed. Further, it was the Employer who oversaw the business; who was responsible for setting Mr. Pugh's terms and conditions of employment; and who was responsible for Mr. Pugh's separation from employment. Therefore, the Employer was an "employer" within the meaning of the Fair Labor Standards Act.

V. Causes of Action and Demand for Relief

Count One: Violation of New York Wage & Hour Law

8. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

9. Plaintiff was an employee of the Employer within the meaning of the New York Minimum Wage Act and accompanying regulations.

10. The Employer was an employer within the meaning of those same regulations.

11. The Employer violated the above law and regulations in that it did not pay proper wages or overtime to Plaintiff and did not provide proper notice pursuant to the New York Wage Theft Prevention Act.

Count Two: Violation of the Fair Labor Standards Act

12. The allegations contained in the preceding paragraphs are incorporated as if restated herein.

13. In the course of his job duties, Plaintiff regularly (at least a few times a week) handled credit card transactions for customers.

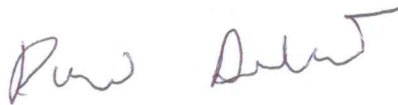
14. Processing such a credit card transaction necessarily entails sending information by means of wire transmission. Further, most or all such transmissions cross state lines. For example, the largest credit card processing clearinghouse, that of Visa, is located in Ashburn, Virginia. Therefore, Mr. Pugh regularly in the course of his job duties sent information by wire between New York and Virginia.

15. Accordingly, Mr. Pugh was "in commerce" within the meaning of the Fair Labor Standards Act.

16. The Employer violated the Fair Labor Standards Act by failing to pay proper overtime premiums to the Plaintiff.

WHEREFORE Plaintiff demands judgment against the Employer in the amount of his unpaid overtime and wages and together with liquidated damages, attorneys fees, and costs, in a total amount not to exceed \$30,000.00.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'David Abrams', is written above the typed name.

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Dated: April 23, 2018
New York, New York